

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, APRIL 4, 2007 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Tess Nguyen, Rami Talleh, Jeanie Cutler (recording secretary), Jill Arabe

MINUTES: January 24 & 31, 2007
February 14, 2007
March 21, 2007

APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2007-008 (CENTERFIELD OUTDOOR DINING WITH ALCOHOL SALES)

APPLICANT: Wayne Carvalho, 21190 Beach Boulevard, Huntington Beach, CA 92648
PROPERTY OWNER: Ronald Steiner, 3281 Falkland Circle, Huntington Beach, CA 92649
REQUEST: To permit the sale of alcoholic beverages for on-site consumption in an outdoor dining area, up to 400 sq. ft., contiguous to the storefront at an existing sports bar.
LOCATION: 17296 Beach Boulevard (east side of Beach Blvd., between Warner Avenue and Slater Ave)
PROJECT PLANNER: Tess Nguyen

Tess Nguyen, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings as presented in the executive summary, emphasizing the code requirement for a handicapped accessible path of travel to the subject unit, and of other conditions of approval.

Staff stated that no written or verbal comments were received in response to the public notification and that the Police Department had eliminated condition No. 2-d; the requirement for a security guard in the outdoor dining area.

Staff recommended approval of the request with modification.

THE PUBLIC HEARING WAS OPENED.

Wayne Carvalho, applicant, requested clarification relating to the landscaping and access issue and stated that the business owner understands the need to comply with the code requirements.

Discussion ensued in relation to path-of-travel and landscaping, and staff stated that changes must be made before submitting for building permit.

Doug Taylor, 16831 Saybrook Lane, Sandpiper Apartments property manager, stated that although he was not opposed to the project he had concerns related to noise and sufficient parking at the restaurant.

Ms. Broeren confirmed that no parking spaces would be eliminated and the City code does not require additional parking for the proposed outdoor dining area for this project.

Staff stated that the Police Department confirmed that they have not received any noise complaints in the past year for the restaurant, however they had received complaints prior to that time.

Paul Hamilton, 17296 Beach Blvd., Centerfield business owner, stated that in the 8 months that he has owned the business he has not received any noise complaints and has added additional security, management presence and valet parking. Mr. Hamilton stated that he hopes to be able to gain use of additional parking when the neighboring car dealership is completed.

Ms. Broeren addressed Mr. Taylor's concern about noise. She suggested that because the restaurant is facing Beach Blvd it may provide noise buffering, and because the City's noise ordinance has limitations on noise after 10:00pm when quiet time begins, any noise issue after that time should be reported to the Police Department and/or communication with the property owner.

Mr. Taylor stated that he felt the business owner had taken positive steps to offset any potential problems.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Ms. Broeren stated that she was going to approve the request with the elimination of condition No. 2-d as suggested by the Police Department.

CONDITIONAL USE PERMIT NO. 2007-008 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act

(CEQA) pursuant to section 15301 of the CEQA Guidelines. The project consists of the operation and minor alteration of an existing commercial structure involving negligible expansion of use beyond that which previously existed.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2007-008:

1. Conditional Use Permit No. 2007-008 to permit the sale of alcoholic beverages for on-site consumption in an outdoor dining area, up to 400 sq. ft., contiguous to the storefront at an existing sports bar, will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed use will not generate noise, traffic, demand for parking or other impacts at levels inconsistent with the commercial zoning applicable to the subject property. The adjacent residences to the east are buffered from the outdoor dining area by an approximately 170-foot separation, including a 70-foot deep, one-story commercial building.
2. The conditional use permit will be compatible with surrounding uses since the request represents only a negligible expansion of an existing restaurant use located within an existing commercial center with adequate parking capacity, in a suite adequately buffered from residential land uses to ensure no detrimental impact.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The proposed use is permitted in the CG (Commercial General) zone, subject to conditional use permit approval, pursuant to Section 211.04 of the Huntington Beach Zoning & Subdivision Ordinance – *CO, CG and CV Districts: Land Use Controls*. No additional parking is required for outdoor dining area less than 400 sq. ft. Any landscaping removed shall be replaced in accordance with the landscaping requirements.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial General on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

LU 7.1.2: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

LU 10.1.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City and capitalize on Huntington Beach's recreational resources.

The requested conditional use permit will accommodate an existing restaurant/sports bar by allowing the addition of an outdoor dining area with alcohol sales. The proposed use will serve the needs of local residents and visitors to the City, by providing for additional dining accommodations outdoors.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2007-008:

1. The site plan, floor plans, and elevations received and dated February 9, 2007 shall be the conceptually approved design with the following modifications:

- a. Impact resistance posts shall be incorporated into the outdoor dining railing. Final design of the railing shall be subject to review and approval by the Planning Department.
- b. A three-foot high plexiglass windscreen shall be installed on top of the wooden fence. **(PD)**

2. The use shall comply with the following:

- a. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance.
- b. Hours of operation of the sports bar and outdoor dining service shall be between 10 AM and 12:30 AM on Sundays through Wednesdays, and between 10 AM and 1:30 AM on Thursdays through Saturdays.
- c. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
- d. Doors in the outdoor dining area shall be locked after business hours. **(PD)**

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

THE MEETING WAS ADJOURNED AT 1:45PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, APRIL 11, 2007 AT 1:30 PM.

Mary Beth Broeren
Zoning Administrator
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